

Message Text

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ACTION EUR-12

INFO OCT-01 NEA-10 ISO-00 CIAE-00 DODE-00 PM-04 H-01
INR-07 L-03 NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15
NSCE-00 SSO-00 USIE-00 INRE-00 EURE-00 MCT-01 IO-13
/076 W

-----111731Z 007167 /65

O R 111659Z JAN 77
FM AMEMBASSY BONN
TO SECSTATE WASHDC IMMEDIATE 4593
INFO AMEMBASSY BERLIN
AMEMBASSY BRUSSELS
AMEMBASSY DUBLIN
AMEMBASSY LONDON
AMEMBASSY LUXEMBOURG
AMEMBASSY PARIS
AMEMBASSY TEL AVIV
AMEMBASSY THE HAGUE
USMISSION NATO BRUSSELS
USMISSION USBERLIN
AMCONSUL MUNICH

C O N F I D E N T I A L SECTION 01 OF 02 BONN 00538

E.O. 11652: GDS
TAGS: PFOR, PINS, FR, IS, GW
SUBJECT: POLITICAL IMPLICATIONS OF ABU DAOUD AFFAIR

REFS: A. BONN 472 JAN 77 (NOTAL); B. PARIS 729 JAN 77
(NOTAL); C. TEL AVIV 200 JAN 77 (NOTAL)

BEGIN SUMMARY. AS WE REPORTED IN BONN 472, FRG CABINET
IS SCHEDULED TO DISCUSS POSSIBLE EXTRADITION OF ABU
DAOUD FROM FRANCE ON JANUARY 12. ARREST OF THE ALLEGED
TERRORIST PRESENTS THE GERMANS WITH A NUMBER OF
SENSITIVE POLITICAL PROBLEMS. EARLIER GERMAN ANTI-
TERRORISM INITIATIVES IN THE UNITED NATIONS AND EC 9
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WILL MAKE IT VERY DIFFICULT FOR THE GERMANS NOT TO
SEEK EXTRADITION TO GERMANY, PROVIDED THEY HAVE A
REASONABLE CHANCE OF CONVICTING HIM. AT THE SAME
TIME, THE GERMANS FEAR TERRORIST RETALIATION SHOULD THEY
DO SO. THE MUNICH MASSACRE LEFT DEEP SCARS ON
THE BATTERED GERMAN PSYCHE, AND IT WILL BE VERY
DIFFICULT FOR SCHMIDT AND GENSCHER TO BACK AWAY FROM

THE PROBLEM. WHILE THE GERMANS WOULD PREFER THAT ABU DAOUD BE EXTRADITED AND TRIED IN ISRAEL, THEY ARE LIKELY TO ASK FOR HIS EXTRADITION TO THE FEDERAL REPUBLIC, PROVIDED THE MUNICH PROSECUTOR HAS A CASE. END SUMMARY.

1. WHEN THE FEDERAL CABINET MEETS ON JANUARY 12, IT WILL BE FACED WITH SEVERAL CONFLICTING CONSIDERATIONS IN THE ABU DAOUD AFFAIR, SOME OF WHICH HAVE CONSIDERABLE POLITICAL IMPORT. THE MUNICH MASSACRE WAS A TRAUMATIC EXPERIENCE FOR THE WEST GERMANS -- THEIR DREAM OF DISPELLING A SOMEWHAT NEGATIVE PUBLIC IMAGE BY ADRIOT HOSTING OF THE OLYMPICS ENDED IN TRAGEDY AND THE GERMAN AUTHORITIES APPEARED BOTH BRUTAL AND INCOMPETENT.

2. FOREIGN MINISTER GENSCHER WAS INTERIOR MINISTER AT THE TIME AND WAS RESPONSIBLE FOR DIRECTING THE ATTEMPT TO CAPTURE THE TERRORISTS WHICH ENDED IN THE BLOODY SHOOTOUT. SINCE THEN, THERE HAVE BEEN GENSCHER INITIATIVES IN THE UNITED NATIONS AND IN THE EC 9 FOR COPING WITH TERRORISM, AS WELL AS GERMAN SUPPORT OF THE COUNCIL OF EUROPE CONVENTION ON TERRORISM. THIS BACKGROUND WOULD SEEM TO INSURE THAT THE FOREIGN MINISTER WILL RECOMMEND THAT THE FRG GOVERNMENT SEEK EXTRADITION.

3. SCHMIDT IS FACED WITH A SOMEWHAT DIFFERENT DILEMMA. IN THE PAST HE HAS BENEFITED POLITICALLY WHEN HE TOOK
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A FIRM LINE AGAINST MAKING CONCESSIONS TO TERRORISTS (E.G., ENTEBBE AND STOCKHOLM). HOWEVER, IN ENTEBBE THE ISRAELIS TOOK THE GERMANS OFF THE HOOK WITH THEIR DARING RESCUE AND IN STOCKHOLM IT WAS GERMAN LIVES THAT WERE AT STAKE. MOST GERMANS WOULD CERTAINLY WELCOME BRINGING WHOEVER IS RESPONSIBLE FOR THE MUNICH MASSACRE TO JUSTICE, BUT THEY MIGHT ALSO BLAME SCHMIDT SHOULD THERE BE TERRORIST RETALIATION FOR GERMAN EFFORTS TO HAVE ABU DAOUD EXTRADITED.

4. WE HAVE LEARNED FROM THE JUSTICE MINISTRY (WALTER) THAT THE ARREST WARRANT IS BASED ON THE CHARGES OF MURDER, TAKING OF HOSTAGES, AND CRIMINAL USE OF EXPLOSIVES. UNDER GERMAN LAW THESE ARE NOT CRIMES AGAINST THE STATE AS SUCH AND THEREFORE NOT CRIMES FOR WHICH THE FEDERAL PROSECUTOR GENERAL WOULD HAVE COMPETENCE. THUS, THE CASE OF ABU DAOUD WOULD COME UNDER THE COMPETENCE OF THE CSU-CONTROLLED BAVARIAN STATE PROSECUTOR. THE FIRST STEP WOULD BE FOR THE

BAVARIAN AUTHORITIES TO REQUEST THAT THE FEDERAL GOVERNMENT SEEK EXTRADITION. GIVEN THE CHRISTIAN SOCIALIST UNION'S STRONG POSITION ON ANTI-TERRORISM, IT IS LIKELY THAT THE BAVARIAN AUTHORITIES WILL REQUEST THE FEDERAL GOVERNMENT TO DO SO. SHOULD THE

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O R 111659Z JAN 77
FM AMEMBASSY BONN
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BAVARIAN AUTHORITIES DO SO, THE FINAL DECISION TO SEEK EXTRADITION RESTS, HOWEVER, WITH BONN.

5. THE ISRAELI DCM TOLD AN EMBASSY OFFICER JANUARY 11 THAT ISRAEL WILL PURSUE ITS REQUEST FOR EXTRADITION WITH THE FRENCH COURT. HE BELIEVES, HOWEVER, THAT THE GOF WILL NOT EXTRADITE ABU DAOUD TO ISRAEL OR THE FEDERAL REPUBLIC BUT WILL FIND A LOOPHOLE PERMITTING THE FRENCH AUTHORITIES TO EXPEL HIM TO AN ARAB COUNTRY.

THE DCM SAID THAT ISRAEL WOULD BE SATISFIED TO SEE
ABU DAOUD EXTRADITED TO AND TRIED IN THE FRG.

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6. AS FAR AS THE GERMANS ARE CONCERNED THE BEST
SOLUTION WOULD BE FOR THE FRENCH TO EXTRADITE ABU
DAOUD TO ISRAEL. IF THAT IS NOT POSSIBLE, IT IS LIKELY
THAT THEY WILL REQUEST HIS EXTRADITION AND TRY HIM IN
THE FEDERAL REPUBLIC. SHOULD THE FRENCH CHOOSE TO
EXPTEL ABU DAOUD TO AN ARAB COUNTRY, THE GERMANS
WOULD BE UNHAPPY BECAUSE THEY BELIEVE THERE IS A REAL
NEED FOR INTERNATIONAL COOPERATION TO COPE WITH
TERRORISM. HOWEVER, PRIVATELY SOME OF THE GERMAN
AUTHORITIES WOULD BE RELIEVED THAT THEY WERE NOT FORCED
TO MAKE A DECISION THAT MIGHT DAMAGE GERMAN-ARAB
RELATIONS AND MIGHT TRIGGER NEW TERRORIST ACTIONS
AGAINST GERMANS.

7. AFTER ABOVE WAS DRAFTED, WE HAVE HEARD RADIO
REPORT THAT FRENCH HAVE RELEASED DAOUD AND THAT HE IS
EN ROUTE TO ALGERIA. WE ARE SENDING THIS TELEGRAM SO
THAT THE DEPARTMENT WILL BE INFORMED OF THE
DILEMMAS THIS AND POSSIBLE FUTURE CASES PRESENT THE
FRG.

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Message Attributes

Automatic Decaptoning: X
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Copy: SINGLE
Sent Date: 11-Jan-1977 12:00:00 am
Decaption Date: 01-Jan-1960 12:00:00 am
Decaption Note:
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Disposition Approved on Date:
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